

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALAN B. McREYNOLDS.

Plaintiff,

1

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

Defendant.

CASE NO. 11-cv-05306-RBL-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creature pursuant to 28

<sup>10</sup> U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,

Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on

19 defendant's stipulated motion to remand the matter to the Commissioner for further

20 consideration. (ECF No.18.)

21 || Based on the stipulation

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decision in regard to Plaintiff's applications for disability insurance benefits and supplemental

23 security income payments under Titles II and XVI of the Social Security Act be REVERSED

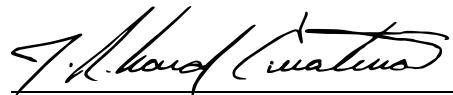
1 and REMANDED to the Commissioner of Social Security for further administrative proceedings  
2 before an Administrative Law Judge (“ALJ”), including a new hearing and a new decision.

3 The new hearing should be limited to consideration of the time period of June 24, 2004  
4 through May 13, 2008: the ALJ’s finding of disability for the time period since May 14, 2008,  
5 should not be disturbed. On remand, the ALJ should consider the evidence submitted to the  
6 Social Security Administration from Behavioral Health Resources, properly mark the exhibit list,  
7 and take any other action necessary to complete the administrative record.

8 This Court recommends that the Commissioner’s decision be reversed under sentence  
9 four of 42 U.S.C. §405(g) with a remand of the case to the Commissioner for further  
10 proceedings. See, Melkonyan v. Sullivan, 501 U.S. 89 (1991). Plaintiff should be entitled to  
11 reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. §  
12 2412(d), following proper request to this Court. This Court further recommends that the ALJ  
13 take any other actions necessary to develop the record. In addition, Plaintiff should be allowed  
14 to submit additional evidence and arguments to the ALJ on remand.

15 Given the facts and the parties’ stipulation, the Court recommends that the District Judge  
16 immediately approve this Report and Recommendation and order that the case be **REVERSED**  
17 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 9th day of January, 2012.

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20   
21 J. Richard Creatura  
22 United States Magistrate Judge  
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